

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1–4 and 6-13 will be pending. By this amendment, claims 1, 6, and 11 have been amended. No new matter has been added.

Objections to Claim 11

In Section 1 of the September 13, 2005 Office Action (“the Office Action”), claim 11 stands objected to for informalities. Claim 11 has been amended to address the objection. Therefore, it is respectfully requested that the objection to claim 11 be withdrawn.

§ 102 Rejection of Claims 1–4, 9–10 and 12

In Section 3 of the Office Action, claims 1–4, 9–10 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Nagy *et al.* (U.S. Patent No. 4,633,371; hereinafter referred to as “Nagy”).

In the Background section of the Specification, it was stated that “[a]s a conventional heat dissipating structure for an electronic device, there is one that utilizes natural convection due to the so-called chimney effect. With this structure, the upper and lower ends of a chimney passageway are respectively opened to the outside so as to dissipate heat by utilizing the air that naturally flows upwards through the chimney passageway (for example, see Japanese Patent Application Laid-open No. 9-212258). ... Nevertheless, the conventional structure is not necessarily a suitable structure for the chimney effect, whereby sufficient heat dissipation results could not be obtained.” *Specification, page 1, lines 8-16.*

To overcome the above-described problem of the conventional heat dissipating structure, embodiments of the present invention include structures for dissipating heat. For example the heating dissipating structure of claim 1, as presented herein, includes:

A heat dissipating structure for an electronic device, comprising:

a heat source; and

a heat dissipating member having an inner wall, outer wall, and partition walls,

wherein the inner wall directly or indirectly receives heat from the heat source,

wherein the outer wall opposes the inner wall at a distance,

wherein the partition walls connect the inner wall and the outer wall, the inner wall, outer wall and partition walls define a plurality of through-holes, the through-holes are arranged along at least one of the inner wall and the outer wall, each of the through-holes extends in a vertical direction within a tilt range in which gravitational influence is utilizable, and top and bottom ends of each of the through-holes open to the outside, and

wherein an optimum distance between opposing inner sides of two adjacent partition walls is set in accordance with a linear function of vertical length of the through-holes, and a distance between the opposing inner sides is set based upon the optimum distance.

(emphasis added)

Accordingly, in one aspect of claim 1, an optimum distance between opposing inner sides of two adjacent partition walls is set in accordance with a linear function of vertical length of the through-holes, and a distance between the opposing inner sides is set based upon the optimum distance. This added limitation is described on page 9, lines 7-14.

By contrast, Nagy fails to teach or suggest that an optimum distance between opposing inner sides of two adjacent partition walls is set in accordance with a linear function of vertical

length of the through-holes, and a distance between the opposing inner sides is set based upon the optimum distance. Therefore, Nagy fails to teach or suggest all the limitations of claim 1.

Based on the foregoing discussion, claim 1 should be allowable over Nagy. Further, since claims 2-4, 9-10, and 12 depend from claim 1, claims 2-4, 9-10, and 12 should also be allowable over Nagy.

Accordingly, it is submitted that the rejection of claims 1-4, 9-10, and 12 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 102 Rejection of Claims 1-4 and 8-9

In Section 4 of the Office Action, claims 1-4 and 8-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Aoki (Japan Patent JP02001291982A).

Aoki fails to teach or suggest that an optimum distance between opposing inner sides of two adjacent partition walls is set in accordance with a linear function of vertical length of the through-holes, and a distance between the opposing inner sides is set based upon the optimum distance. Therefore, Aoki fails to teach or suggest all the limitations of claim 1.

Based on the foregoing discussion, claim 1 should be allowable over Aoki. Further, since claims 2-4 and 8-9 depend from claim 1, claims 2-4 and 8-9 should also be allowable over Aoki.

Accordingly, it is submitted that the rejection of claims 1-4 and 8-9 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 102 Rejection of Claims 1–4, 7 and 9

In Section 5 of the Office Action, claims 1–4, 7 and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Mottahed (U.S. Patent No. 6,493,224).

Mottahed fails to teach or suggest that an optimum distance between opposing inner sides of two adjacent partition walls is set in accordance with a linear function of vertical length of the through-holes, and a distance between the opposing inner sides is set based upon the optimum distance. Therefore, Mottahed fails to teach or suggest all the limitations of claim 1.

Based on the foregoing discussion, claim 1 should be allowable over Mottahed. Further, since claims 2-4, 7, and 9 depend from claim 1, claims 2-4, 7, and 9 should also be allowable over Mottahed.

Accordingly, it is submitted that the rejection of claims 1-4, 7, and 9 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 5–6

In Section 7 of the Office Action, claims 5–6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki.

Based on the foregoing discussion regarding Aoki, claim 6 should be allowable over Aoki. Claim 5 has been canceled.

Accordingly, it is submitted that the rejection of claims 5-6 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claim 13

In Section 8 of the Office Action, claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nagy in view of Hanson (U.S. Patent No. 4,095,998).

Based on the foregoing discussion regarding Nagy, claim 13 should be allowable over Nagy. Further, Hanson fails to teach or suggest that an optimum distance between opposing inner sides of two adjacent partition walls is set in accordance with a linear function of vertical length of the through-holes, and a distance between the opposing inner sides is set based upon the optimum distance. Therefore, Nagy and Hanson, individually or in combination, fail to teach or suggest all the limitations of claim 13.

Accordingly, it is submitted that the rejection of claim 13 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Allowable Subject Matter of Claim 11

It is appreciatively noted that claim 11 would be allowable if rewritten to overcome the objection in Section 1, and to include all of the limitations of the base claim and any intervening claims. Claim 11 has been amended accordingly.

Conclusion

In view of the foregoing, entry of this amendment and the allowance of this application with claims 1–4 and 6–13 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over

the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Samuel S. Lee
Reg. No. 42,791
(858) 731-5000